STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SHAWN JURCZYK, JR. and ELIZABETH MARIE JURCZYK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

SHAWN JURCZYK,

Respondent-Appellant,

and

MARY ANN SAXTON, a/k/a MARY ANN JURCZYK,

Respondent.

UNPUBLISHED
August 9, 2005

No. 260467
Wayne Circuit Court
Family Division
LC No. 03-420715-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination had been proven by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). Respondent-appellant lived in a very small home with his mother and father, two brothers, wife, and his two children. There was evidence that several adult relatives living in the home were sexually abusing respondent-appellant's six-year-old daughter. Respondent-appellant was aware that one of his brothers was watching pornographic videotapes with his daughter, which was the subject of a protective services referral. In addition, there was testimony that respondent-appellant was present when his daughter and brother were watching the videotapes. Further, there was some testimony that respondent-appellant's other brother informed respondent-appellant, before the children came into care, that he had caught respondent-appellant's wife touching their daughter inappropriately. Additionally, there was

some testimony elicited during the tender years hearing that respondent-appellant was also sexually abusing his daughter and present while others did the same.

Respondent-appellant knew or should have known that his daughter was the victim of sexual abuse, yet he did nothing to intervene. There was clear and convincing evidence that respondent-appellant had an opportunity to prevent further sexual abuse and failed to do so and, in addition, had failed to provide proper care and custody. Furthermore, at the time of the termination hearing, respondent-appellant continued to believe that his wife and one of his brothers had not participated in the sexual abuse, despite the existence of their written and oral confessions given to police. When respondent-appellant was asked about his wife's admission to sexual abuse, he responded that it was none of his business. Therefore, there was clear and convincing evidence that the children would be harmed and the victims of further abuse, if returned to his care.

Respondent-appellant has abandoned his argument that termination was clearly not in the children's best interests under MCL 712A.19b(5). Respondent-appellant failed to cite any authority in support of his argument, and he failed to develop his argument beyond a conclusory statement. *In re CR*, 250 Mich App 185, 199; 646 NW2d 506 (2002). Even if the issue were properly preserved, it is without merit. Since she has been in foster care, the daughter has asked to see her younger brother, but has not asked about visiting respondent-appellant. Furthermore, the daughter has stated that respondent-appellant sexually abused her. In addition, at the time of the termination hearing, respondent-appellant stated that he did not have a job, and he had not worked since a year or two before the hearing. Therefore, there is no evidence that, despite the existence of grounds for termination, termination would not be in the children's best interests.

Affirmed.

/s/ Brian K. Zahra
/s/ Hilda R. Gage
/s/ Christopher M. Murray